

House File 2294 - Introduced

HOUSE FILE 2294

BY BYRNES

A BILL FOR

1 An Act relating to driving in the passing lane of a highway,
2 and providing penalties.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 321.302A Use of passing lane
2 restricted.

3 1. As used in this section, unless the context otherwise
4 requires:

5 *a.* "*Nonpassing lane*" means any lane that is to the right
6 of the passing lane if there are two or more adjacent lanes of
7 traffic moving in the same direction on one roadway.

8 *b.* "*Passing lane*" means the lane farthest to the left if
9 there are two or more adjacent lanes of traffic moving in the
10 same direction on one roadway; however, if such left lane is
11 restricted to high occupancy vehicle use or is designed for
12 left turns only, the passing lane shall be the lane immediately
13 to the right of such high occupancy lane or left-turn lane.

14 2. *a.* The driver of a vehicle traveling in the passing
15 lane of a divided highway to the left and abreast of another
16 vehicle, when being approached by an overtaking vehicle, shall
17 move the vehicle being overtaken to the right as soon as the
18 driver can safely do so to allow the overtaking vehicle to
19 pass.

20 *b.* A person shall not drive a vehicle in the passing lane
21 of a highway if the speed limit is sixty-five miles per hour
22 or more, except to pass another motor vehicle that is in a
23 nonpassing lane or turning left, or unless the volume of
24 traffic does not permit the vehicle to safely merge into a
25 nonpassing lane.

26 *c.* A violation of this subsection shall not be construed as
27 negligence per se in any civil action.

28 3. A person convicted of a violation of this section is
29 guilty of a simple misdemeanor punishable as a scheduled
30 violation under section 805.8A, subsection 6.

31 Sec. 2. Section 321.482A, unnumbered paragraph 1, Code
32 2014, is amended to read as follows:

33 Notwithstanding section 321.482, a person who is convicted
34 of operating a motor vehicle in violation of section 321.178,
35 subsection 2, paragraph "*a*", subparagraph (2), section

1 321.180B, subsection 6, section 321.194, subsection 1,
 2 paragraph "d", section 321.256, section 321.257, section
 3 321.275, subsection 4, section 321.276, 321.297, 321.298,
 4 321.299, 321.302, 321.302A, 321.303, 321.304, 321.305, 321.306,
 5 321.307, 321.308, section 321.309, subsection 2, or section
 6 321.311, 321.319, 321.320, 321.321, 321.322, 321.323, 321.324,
 7 321.324A, 321.327, 321.329, 321.333, or 321.372, subsection 3,
 8 causing serious injury to or the death of another person may be
 9 subject to the following penalties in addition to the penalty
 10 provided for a scheduled violation in section 805.8A or any
 11 other penalty provided by law:

12 Sec. 3. Section 805.8A, subsection 6, Code 2014, is amended
 13 by adding the following new paragraph:

14 NEW PARAGRAPH. *Oh.* Section 321.302A.....\$100

15 EXPLANATION

16 The inclusion of this explanation does not constitute agreement with
 17 the explanation's substance by the members of the general assembly.

18 This bill requires the driver of a vehicle traveling in
 19 the passing lane of a divided highway to the left and abreast
 20 of another vehicle, when being approached by an overtaking
 21 vehicle, to move to the right as soon as the driver can safely
 22 do so to allow the overtaking vehicle to pass. The bill also
 23 prohibits driving in the passing lane of a highway if the speed
 24 limit is 65 miles per hour or more, except to pass another
 25 motor vehicle that is in a nonpassing lane or turning left, or
 26 unless the volume of traffic does not permit the vehicle to
 27 safely merge into a nonpassing lane.

28 The bill defines "passing lane" as the lane farthest to the
 29 left if there are two or more adjacent lanes of traffic moving
 30 in the same direction on one roadway. If the left lane is
 31 restricted to high occupancy vehicle use or is designed for
 32 left turns only, the passing lane is the lane immediately to
 33 the right of the high occupancy lane or left-turn lane. The
 34 bill defines "nonpassing lane" as any lane that is to the right
 35 of the passing lane if there are two or more adjacent lanes of

1 traffic moving in the same direction on one roadway.

2 A person who violates the provisions of the bill commits
3 a simple misdemeanor punishable by a scheduled fine of \$100.
4 Additional penalties may apply if the violation results in
5 serious injury to or death of another person. These are the
6 same penalties that currently apply to a person who violates
7 requirements for overtaking and passing another vehicle.